

**Executive Summary – Enforcement Matter – Case No. 49704**  
**Printpack, Inc.**  
**RN100211291**  
**Docket No. 2014-1758-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Printpack, 2006 South Great Southwest Parkway, Grand Prairie, Tarrant County

**Type of Operation:**

Flexible packaging conversion and flexographic printing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 27, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,375

**Amount Deferred for Expedited Settlement:** \$1,875

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$7,500

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** November 17, 2014

**Date(s) of NOE(s):** November 17, 2014

**Executive Summary – Enforcement Matter – Case No. 49704**  
**Printpack, Inc.**  
**RN100211291**  
**Docket No. 2014-1758-AIR-E**

***Violation Information***

1. Failed to obtain authorization prior to beginning construction of a new facility or modification of an existing facility as voluntarily self-disclosed by the Respondent on November 3, 2014. Specifically, the Respondent began construction at the Plant prior to obtaining the proper authorization [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].
2. Failed to submit a semi-annual deviation report within 30 days after the end of the reporting period as voluntarily self-disclosed by the Respondent on November 3, 2014. Specifically, semi-annual deviation reports were not submitted for the October 1, 2013 through March 31, 2014 and April 1, 2014 through September 30, 2014 reporting periods; however, the Respondent had deviations for failing to obtain the proper authorization [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O1502, General Terms and Conditions].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. By November 10, 2014, retrained relevant staff on deviation reporting requirements and deadlines and adopted a practice of more frequently checking federal operating permit compliance to better ensure the identification of deviations; and
- b. On December 11, 2014, submitted an administratively complete permit application to amend New Source Review ("NSR") Permit No. 9981 to authorize the construction and operation of the modification at the Plant.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSR permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing; and
- b. Within 180 days, submit written certification that either the amendment to NSR Permit No. 9981 has been obtained or that operation has ceased until such time that appropriate authorization is obtained to demonstrate compliance.

**Executive Summary – Enforcement Matter – Case No. 49704**  
**Printpack, Inc.**  
**RN100211291**  
**Docket No. 2014-1758-AIR-E**

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Amancio R. Gutierrez, Enforcement Division,  
Enforcement Team 5, MC 149, (512) 239-3921; Candy Garrett, Enforcement Division,  
MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Clay M. Castleberry, Vice President of Operations, Printpack, Inc., 2800  
Overlook Parkway, Atlanta, Georgia 30339  
**Respondent's Attorney:** Timothy A. Wilkins, Bracewell & Gialiani LLP, 111 Congress  
Avenue, Suite 2300, Austin, Texas 78701-4061



<b>DATES</b>	Assigned 19-Nov-2014	Screening 21-Nov-2014	EPA Due <span style="border: 1px solid black; padding: 2px 20px;"></span>
	PCW 5-Feb-2015		

RESPONDENT/FACILITY INFORMATION	
Respondent Printpack, Inc.	
Reg. Ent. Ref. No. RN100211291	
Facility/Site Region 4-Dallas/Fort Worth	Major/Minor Source Major

CASE INFORMATION	
Enf./Case ID No. 49704	No. of Violations 2
Docket No. 2014-1758-AIR-E	Order Type 1660
Media Program(s) Air	Government/Non-Profit No
Multi-Media	Enf. Coordinator Amancio R. Gutierrez
	EC's Team Enforcement Team 5
Admin. Penalty \$ Limit Minimum <span style="border: 1px solid black; padding: 0 20px;">\$0</span> Maximum <span style="border: 1px solid black; padding: 0 20px;">\$25,000</span>	

Penalty Calculation Section	
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b> <span style="border: 1px solid black; padding: 0 20px;">\$11,250</span>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b> <small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
<b>Compliance History</b> <span style="float: right;">-10.0% Enhancement</span>	<b>Subtotals 2, 3, &amp; 7</b> <span style="border: 1px solid black; padding: 0 20px;">-\$1,125</span>
Notes <span style="border: 1px solid black; padding: 5px; display: inline-block; width: 80%;">Reduction for High Performer classification.</span>	
<b>Culpability</b> <span style="float: right;">0.0% Enhancement</span>	<b>Subtotal 4</b> <span style="border: 1px solid black; padding: 0 20px;">\$0</span>
Notes <span style="border: 1px solid black; padding: 5px; display: inline-block; width: 80%;">The Respondent does not meet the culpability criteria.</span>	
<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b> <span style="border: 1px solid black; padding: 0 20px;">-\$750</span>
<b>Economic Benefit</b> <span style="float: right;">0.0% Enhancement*</span>	<b>Subtotal 6</b> <span style="border: 1px solid black; padding: 0 20px;">\$0</span>
<div style="display: flex; justify-content: space-between;"> <div>                         Total EB Amounts <span style="border: 1px solid black; padding: 0 20px;">\$956</span>                          Estimated Cost of Compliance <span style="border: 1px solid black; padding: 0 20px;">\$11,500</span> </div> <div style="text-align: right; font-size: small;">*Capped at the Total EB \$ Amount</div> </div>	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b> <span style="border: 1px solid black; padding: 0 20px;">\$9,375</span>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> <span style="float: right;">0.0%</span>	<b>Adjustment</b> <span style="border: 1px solid black; padding: 0 20px;">\$0</span>
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small> Notes <span style="border: 1px solid black; padding: 5px; display: inline-block; width: 80%;"></span>	
	<b>Final Penalty Amount</b> <span style="border: 1px solid black; padding: 0 20px;">\$9,375</span>
<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b> <span style="border: 1px solid black; padding: 0 20px;">\$9,375</span>
<b>DEFERRAL</b> <span style="float: right;">20.0% Reduction</span>	<b>Adjustment</b> <span style="border: 1px solid black; padding: 0 20px;">-\$1,875</span>
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small> Notes <span style="border: 1px solid black; padding: 5px; display: inline-block; width: 80%;">Deferral offered for expedited settlement.</span>	
<b>PAYABLE PENALTY</b>	<span style="border: 1px solid black; padding: 0 20px;">\$7,500</span>

Screening Date 21-Nov-2014

Docket No. 2014-1758-AIR-E

PCW

Respondent Printpack, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49704

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211291

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) -10%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% -10%

Screening Date 21-Nov-2014

Docket No. 2014-1758-AIR-E

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Respondent Printpack, Inc.

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PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211291

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain authorization prior to beginning construction of a new facility or modification of an existing facility. Specifically, the Respondent began construction at the Plant prior to obtaining the proper authorization.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification	x		

Percent 15.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 1

4 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended from the record review date of November 17, 2014 to the screening date of November 21, 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$916

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

# Economic Benefit Worksheet

**Respondent** Printpack, Inc.  
**Case ID No.** 49704  
**Reg. Ent. Reference No.** RN100211291  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	22-Jan-2014	22-Nov-2015	1.83	\$916	n/a	\$916
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain the proper authorization. The Date Required is the first date of non-compliance and the Final Date is the estimated date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$916



Screening Date 21-Nov-2014

Docket No. 2014-1758-AIR-E

PCW

Respondent Printpack, Inc.

Policy Revision 4 (April 2014)

Case ID No. 49704

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100211291

Media [Statute] Air

Enf. Coordinator Amancio R. Gutierrez

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 122.143(4) and 122.145(2), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O1502, General Terms and Conditions

Violation Description

Failed to submit a semi-annual deviation report within 30 days after the end of the reporting period. Specifically, semi-annual deviation reports were not submitted for the October 1, 2013 through March 31, 2014 and April 1, 2014 through September 30, 2014 reporting periods; however, the Respondent had deviations for failing to obtain the proper authorization.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 2

205 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$7,500

Two single events are recommended (one for each report).

## Good Faith Efforts to Comply

10.0%

Reduction \$750

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent completed corrective measures by November 10, 2014, before the December 16, 2014 Settlement Offer.

Violation Subtotal \$6,750

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

# Economic Benefit Worksheet

**Respondent** Printpack, Inc.  
**Case ID No.** 49704  
**Reg. Ent. Reference No.** RN100211291  
**Media** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$1,500	30-Apr-2014	10-Nov-2014	0.53	\$40	n/a	\$40
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to retrain relevant staff on deviation reporting requirements and deadlines and adopt a practice of more frequently checking federal operating permit compliance to better ensure the identification of deviations. The Date Required is the date the first deviation report was due and the Final Date is the date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

**TOTAL**

\$40



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600329916, RN100211291, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN600329916, Printpack, Inc.

**Classification:** HIGH

**Rating:** 0.00

**Regulated Entity:** RN100211291, PRINTPACK

**Classification:** HIGH

**Rating:** 0.00

**Complexity Points:** 12

**Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 2006 SOUTH GREAT SOUTHWEST PARKWAY IN GRAND PRAIRIE, TARRANT COUNTY, TEXAS 75051

**TCEQ Region:** REGION 04 - DFW METROPLEX

## ID Number(s):

**AIR OPERATING PERMITS** ACCOUNT NUMBER TA0282E

**AIR OPERATING PERMITS** PERMIT 1502

**AIR NEW SOURCE PERMITS** PERMIT 9981

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER TA0282E

**AIR NEW SOURCE PERMITS** AFS NUM 4843900049

**AIR NEW SOURCE PERMITS** REGISTRATION 74266

**AIR NEW SOURCE PERMITS** REGISTRATION 83737

**AIR NEW SOURCE PERMITS** REGISTRATION 108659

**INDUSTRIAL AND HAZARDOUS WASTE** EPA ID

**INDUSTRIAL AND HAZARDOUS WASTE** SOLID WASTE

TXD047839402

REGISTRATION # (SWR) 31666

**STORMWATER** PERMIT TXR05L072

**STORMWATER** PERMIT TXR05L071

**AIR EMISSIONS INVENTORY** ACCOUNT NUMBER TA0282E

**LEAKING PETROLEUM STORAGE TANKS REMEDIATION** ID  
NUMBER 92842

**Compliance History Period:** September 01, 2009 to August 31, 2014

**Rating Year:** 2014

**Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** November 22, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 22, 2009 to November 22, 2014

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Amancio R. Gutierrez

**Phone:** (512) 239-3921

## Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

### D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 August 10, 2010 (842116)

Item 2	August 19, 2011	(943752)
Item 3	December 08, 2011	(964286)
Item 4	June 29, 2012	(1013961)
Item 5	August 22, 2013	(1113749)
Item 6	June 24, 2014	(1165945)

**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PRINTPACK, INC.  
RN100211291

§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2014-1758-AIR-E

I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Printpack, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent, represented by Timothy A. Wilkins of the law firm Bracewell & Giuliani LLP, together stipulate that:

1. The Respondent owns and operates a flexible packaging conversion and flexographic printing plant located at 2006 South Great Southwest Parkway in Grand Prairie, Tarrant County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 22, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Three Hundred Seventy-Five Dollars (\$9,375) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Seven Thousand Five Hundred Dollars (\$7,500) of the administrative penalty and One Thousand Eight Hundred Seventy-Five Dollars (\$1,875) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. By November 10, 2014, retrained relevant staff on deviation reporting requirements and deadlines and adopted a practice of more frequently checking federal operating permit compliance to better ensure the identification of deviations; and
  - b. On December 11, 2014, submitted an administratively complete permit application to amend New Source Review ("NSR") Permit No. 9981 to authorize the construction and operation of the modification at the Plant.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to obtain authorization prior to beginning construction of a new facility or modification of an existing facility, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as voluntarily self-disclosed by the Respondent on November 3, 2014 and documented during a record

review conducted on November 17, 2014. Specifically, the Respondent began construction at the Plant prior to obtaining the proper authorization.

2. Failed to submit a semi-annual deviation report within 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. 01502, General Terms and Conditions, as voluntarily self-disclosed by the Respondent on November 3, 2014 and documented during a record review conducted on November 17, 2014. Specifically, semi-annual deviation reports were not submitted for the October 1, 2013 through March 31, 2014 and April 1, 2014 through September 30, 2014 reporting periods; however, the Respondent had deviations for failing to obtain the proper authorization.

### **III. DENIALS**

The Respondent generally denies each allegation in Section II ("Allegations").

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Printpack, Inc., Docket No. 2014-1758-AIR-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the NSR permit amendment application within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - b. Within 180 days after the effective date of this Agreed Order, submit written certification as described below, that either the amendment to NSR Permit No. 9981 has been obtained or that operation has ceased until such time that appropriate authorization is obtained and include detailed supporting documentation including photographs, receipts, and/or other records to

demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.



6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Pam M. Murrell  
For the Executive Director


5/4/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

2/18/15  
Date

CLAY M. CASTORBERY  
Name (Printed or typed)  
Authorized Representative of  
Printpack, Inc.

VP, OPERATIONS  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.